



# TRANSMITTAL FORM

Application Serial Number	09/328,749
Filing Date	June 9, 1999
First Named Inventor	Gebhard
Group Art Unit	3728
Examiner Name	Stashick, A.D.
Attorney Docket No.	ADI-005
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Check Attached<br><input type="checkbox"/> Copy of Fee Transmittal Form<br><br><input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> Preliminary<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]<br><br><input type="checkbox"/> Petition for Extension of Time<br><br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Form PTO-1449<br><input type="checkbox"/> Copies of IDS Citations<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Sequence Listing submission<br><input type="checkbox"/> Paper Copy/CD<br><input type="checkbox"/> Computer Readable Copy<br><input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application<br><br><input type="checkbox"/> Formal Drawing(s)<br><br><input type="checkbox"/> Request For Continued Examination (RCE) Transmittal<br><br><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application<br><br><input type="checkbox"/> Small Entity Statement<br><br><input type="checkbox"/> CD(s) for large table or computer program<br><br><input type="checkbox"/> Amendment After Allowance<br><br><input type="checkbox"/> Request for Certificate of Correction<br><input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences<br><br><input type="checkbox"/> Appeal Brief (in triplicate)<br><br><input type="checkbox"/> Status Inquiry<br><br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8<br><br><input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8<br><br><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)<br><br><input checked="" type="checkbox"/> Response to Interview Summary |
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## SIGNATURE BLOCK

Date: August 11, 2006  
Reg. No.: 51,842  
Tel. No.: (617) 570-1905  
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Respectfully submitted,  
  
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**PATENT**  
Attorney Docket No. ADI-005

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

APPLICANT: Gebhard CONF. NO.: 7235  
SERIAL NUMBER: 09/328,749 ART UNIT: 3728  
U. S. FILING DATE: June 9, 1999 EXAMINER: Stashick, A.D.  
TITLE: Torsion System for an Article of Footwear

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11<sup>th</sup> day of August 2006.

  
Diane Racicot

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Submitted herewith is/are:

1. Transmittal Form (1 page);
2. Response to Interview Summary (2 pgs.); and
3. Return receipt postcard



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PATENT  
Attorney Docket No. ADI-005***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

**APPLICANT:** Gebhard                      **CONF. NO.:** 7235  
**SERIAL NUMBER:** 09/328,749              **ART UNIT:** 3728  
**U. S. FILING DATE:** June 9, 1999              **EXAMINER:** Stashick, A. D.  
**TITLE:** Torsion System for an Article of Footwear

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO INTERVIEW SUMMARY UNDER M.P.E.P. § 713.04**

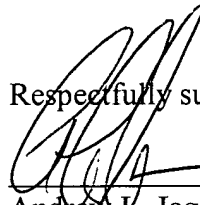
1. In reply to the Interview Summary, Paper No. 20060802, mailed from the United States Patent and Trademark Office on August 4, 2006, Applicant respectfully requests entry of this Response.
2. Applicant thanks the Examiner for participating in a telephone interview with Applicant's undersigned representative held on August 2, 2006.
3. Applicant respectfully submits that the Examiner's Substance of the Interview is confusing, specifically, where he notes that "Mr. Jagenow discussed changing the words 'bottommost surface' to below the bottom surface in the claim to say that the ribs project below the bottommost surface of the torsion system."
4. During the interview, Applicant's undersigned representative suggested amending claim 1 to recite "a rib that projects *below* a bottom most surface of the torsion system," instead of the pending "a rib that projects *beyond* a bottom most surface of the torsion system." Applicant's undersigned representative remarked that Anderie did not disclose ribs that project below a bottom most surface of a torsion system, as that term was defined by the Board in its Decision.

5. The Examiner did express the need to review the Board's Decision and the art of record before any agreement could be reached.
6. Applicant's undersigned representative noted that Applicant would file a Notice of Appeal if agreement could not be reached, as Applicant believes the pending claims are patentable in view of Anderie.
7. Regarding the Examiner's statement regarding issues that were not discussed during the Interview, Applicant respectfully submits that no response is required thereto, as these issues were raised outside the context of the Interview. Applicant expressly reserves the right to address these and any other issues raised during further proceedings related to this application or any patent that may issue from this application, in any administrative or court proceeding.
8. No fee is included with this submission, since Applicant believes none is required. Nevertheless, should any fee be required for this submission to be considered, the Commissioner is authorized to charge deposit account number 07-1700.

Date: August 11, 2006  
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Respectfully submitted,



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